

Amendment under 37 CFR 1.114  
Serial No. 10/528,695  
Attorney Docket No. 052289

**REMARKS**

Claims 1 and 3-7 are pending in the present application and are rejected. Claim 1 is herein amended.

**Applicants' Response to Claim Rejections under 35 U.S.C. §102**

**Claims 1 and 3-7 are rejected under 35 U.S.C. §102(b) as being anticipated by Makita et al. (U.S. Patent No. 5,204,999).**

It is the position of the Advisory Action that Makita discloses the invention as claimed. The Advisory Action indicates that the request for reconsideration has been considered but does not place the application in condition for allowance because claims 1-7, as amended, would be rejected over Makita et al. The Advisory Action states that the amendments filed on May 7, 2007 have been entered.

The Advisory Action states that the remarks have been fully considered, but are not persuasive because it is stated that there is nothing in the claims to preclude multiple operation of the switch of Makita functioning to both "flush" and "clean". The Advisory Action notes that although claim 1 recites a particular functionality for a switch for cleaning, a particular, separate functionality for a switch for flushing is not recited.

In response, Applicants herein amend the claims to recite that the switch for flushing and the switch for cleaning are two separate switches. Additionally, Applicants herein amend the claims to recite a specific function for the switch for flushing. Please see amended claim 1. As

Amendment under 37 CFR 1.114  
Serial No. 10/528,695  
Attorney Docket No. 052289

such, Applicants respectfully submit that the pending claims require two physically separate switches, having distinct and separable functions.

On the other hand, Makita discloses that a toilet having a single switch, which is flushed after use by flushing water in the order of rim-jet-rim. However, Makita does not disclose the flow of water in the case of cleaning the toilet with a brush, etc. Rather, Makita only discloses the flow of water in the case of flushing the toilet after use. However, when the toilet is not flushed, there is trapped water W. Conventionally, when a user cleans a toilet with a brush, there is trapped water W. Undesirably, a splattering of water sometimes occurs and gets on the user.

Because Makita only discloses this single switch, the user of the toilet of Makita is not able to easily wash the bowl with a brush while the trapped water W is discharged. In order to discharge trapped water W for long enough to wash the bowl with a brush, the user must continually operate the flush switch of Makita. Not only is this an inconvenience to the user, but it also causes excessive wasting of water, a limited natural resource. Accordingly, in view of the above, Applicants respectfully submit that Makita does not disclose or suggest the invention as claimed. Favorable reconsideration is respectfully requested.

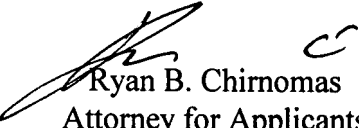
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

Amendment under 37 CFR 1.114  
Serial No. 10/528,695  
Attorney Docket No. 052289

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

  
Ryan B. Chirnomas  
Attorney for Applicants  
Registration No. 56,527  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

RBC/nrp  
Enclosures: Request for Continued Examination  
Petition for Extension of Time